

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
)	
SafeView, Inc. Request for Waiver of Sections 15.31 and 15.35)	ET Docket No. 04-373
of the Commission's Rules to Permit the Deployment of)	
Security Screening Portal Devices that Operate in the 24.25-30)	DA 04-3038
GHz Range)	
)	

**REPLY COMMENTS OF THE WIRELESS COMMUNICATIONS ASSOCIATION
INTERNATIONAL, INC.**

The Wireless Communications Association International, Inc. ("WCA") hereby submits the following Reply Comments in response to the August 18, 2004 Request for Waiver of SafeView, Inc. ("SafeView"),¹ in which SafeView seeks a waiver of Sections 15.31(c) and 15.35(b) of the Commission's rules for an unlicensed screening device that sweeps through the 24.25-30.0 GHz band.² WCA shares the concerns expressed by Hughes Network Systems, Inc. ("HNS") and XO Communications, Inc. ("XO") vis-à-vis SafeView's failure to demonstrate the absence of potential interference from its device into licensed operations.³ Indeed, evidence already presented by HNS in this proceeding strongly suggests that SafeView's devices would

¹ Request for Waiver of SafeView, Inc., ET Docket No. 04-373 (filed Aug. 18, 2004) ("Waiver Request").

² 47 C.F.R. §§15.31(c), 15.35(b).

³ Opposition of Hughes Network Systems, Inc., ET Docket No. 04-373 (filed Oct. 22, 2004); Letter from Russell Fox of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 04-373 (filed Oct. 21, 2004).

significantly increase the threat of harmful interference to licensed services in the subject band.⁴ Unless the Commission requires SafeView either to reduce its power or shield its devices, such interference is likely to occur at regular intervals.⁵ To further complicate matters, it is unlikely that consumers will be able to identify the source of interference, since SafeView proposes to operate its devices on an unlicensed basis.⁶

Conversely, SafeView has failed to provide any analysis or evidence in support of its claims that its devices will not cause interference to licensed operations. SafeView also incorrectly claims that “there are no indoor victim receivers” to be concerned about here.⁷ To the contrary, indoor microwave communications equipment in the 28 GHz band is already available in the market today.⁸ Moreover, as noted by XO, additional companies are contemplating the operation of LMDS facilities indoors for future use.⁹ SafeView simply disregards these facts, providing the Commission with an additional basis for denying its waiver request.

⁴ HNS Opposition at 5-8.

⁵ *Id.* at 7.

⁶ *Id.*

⁷ SafeView Waiver at 11, Appendix B.

⁸ HNS Opposition at 13.

⁹ XO Letter, Attachment at 3.

WHEREFORE, for the reasons described above, WCA urges the Commission to dismiss or deny SafeView's Waiver Request.

Respectfully submitted,

WIRELESS COMMUNICATIONS ASSOCIATION
INTERNATIONAL, INC.

/s/ Andrew Kreig
Andrew Kreig
President
1333 H Street, N.W.
Washington, D.C. 20005
(202) 452-7823

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